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CCHA
California Community Health Advocates

September 5, 2001

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The Honorable Spencer Abraham
Secretary of Energy
U.S. Department of Energy
1000 Independence Avenue SW
Washington, D.C. 20585

Dear Secretary Abraham:

California Community Health Advocates objects to the inadequate, improper and unreasonable manner in which notice was provided to the public on hearings for DOE's site recommendation of Yucca Mountain as a national high-level nuclear waste repository.

Your agency gave notice on August 21, 2001 that hearings would begin on September 5, 2001 and continue through the 13th in Nevada. This allows only *15 days* for the public to read the DOE's 370 page technical report—"Yucca Mountain Preliminary Site Suitability Evaluation"—and prepare an appropriate response for the hearing.

Not only is this notice legally inadequate, but it is, to say the least, extremely inconsiderate and insensitive to the thousands of people who will be affected by the results of your decisions. I think the people who will be affected by the transportation of high-level nuclear waste through their towns and neighborhoods deserve better. A few meetings in Nevada on a project of this magnitude and potential danger is an insult to all of us who need to participate in this hearing process.

We are asking that you *personally* take an interest in this matter since your staff apparently does not consider this issue to be as critical as we believe it is. To wit:

1. In addition to the notice being short, your staff changed the meeting place at the last minute, and then provided a *wrong address* for the new meeting place.
2. This meeting place change (at the wrong address) was not published until August 31st. It is extremely difficult for the public to participate in public hearings when they must "second guess" your agency on where they are going to meet, especially when you announce changes just prior to a long holiday week-end. Or is this what your staff intended?

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3. The notices in the Federal Register on August 21, 27, and 31 do not make it clear to the public that these hearings in Nevada will be to recommend Yucca Mountain as the site for a national high-level waste repository. The notice leaves the impression that these hearings are minor and preliminary, considering only site suitability. Does your staff have a problem with letting us know that major decisions are being considered at these hearings and that they are *extremely* important? I think we deserve better, don't you agree?

I'm sure the provisions of the Nuclear Waste Policy Act allow us greater and better notice than what we have been provided. In any case, the Fifth Amendment to the United States Constitution provide us protections from your "oversights" through its provisions on due process. To say that your agency and your staff have violated these rights of due process is an understatement.

We are asking that you reschedule these hearings with the level of notice and exposure they deserve.

We further ask that you seriously review the process for noticing the public on such critical issues and amend it immediately. Whoever is in charge of this process at the present time should explain why the public has been given such shoddy public service.

Sincerely,



Lorell A. Long
Director

cc: Lake Barrett, Acting Director
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cc: Carol Hanlon U.S. Department of Energy
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